



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third and fourth periodic reports of Saudi Arabia\*

#### I. Introduction

1. The Committee considered the combined third and fourth periodic reports of Saudi Arabia (CRC/C/SAU/3-4) at its 2144th and 2145th meetings (see CRC/C/SR.2144 and 2145), held on 20 and 21 September 2016, and adopted the present concluding observations at its 2160th meeting, held on 30 September 2016.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/SAU/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in implementing the Convention and notes as positive the newly ratified international human rights treaties, especially the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, in August 2010, and the Optional Protocol to the Convention on the involvement of children in armed conflict, in June 2011.

4. The Committee notes the various legislative, institutional and policy measures adopted to implement the Convention, especially the adoption of the Child Protection Act and the Protection from Abuse Act, as well as their implementing regulations, in 2014; the adoption of the National Childhood Strategy in 2012; the establishment by Royal Decree No. M/40 of 14 July 2009 of a committee to combat trafficking in persons; and the setting up of a helpline for children by the National Family Safety Programme in November 2010. The Committee also welcomes the regulation adopted in April 2016 curtailing the powers of the Committee for the Promotion of Virtue and the Prevention of Vice to arrest people,

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\* Adopted by the Committee at its seventy-third session (13-30 September 2016).



including children. The Committee further notes as positive the large amount of funds allocated to development assistance worldwide.

### **III. Main areas of concern and recommendations**

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: the definition of the child, especially in relation to child marriage (para. 14), non-discrimination (paras. 16 and 18), the right to life, survival and development (para. 21), torture and ill-treatment (para. 27), children in armed conflict (para. 39) and juvenile justice (para. 44).

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

##### **Reservations**

6. **The Committee remains concerned about the State party's general reservation to the Convention, which provides for the precedence of sharia law over international treaties and undermines the effective implementation of the Convention. The Committee reiterates its previous recommendations that the State party review the general nature of its reservation with a view to withdrawing it in accordance with the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights, held in 1993 (see CRC/C/SAU/CO/2, para. 8).**

##### **Legislation**

7. **Noting that the comprehensive review of the legislation relating to children announced during the last review, held in 2006, has yet to be concluded, that judges rule on the basis of their personal interpretation of religion and that the State party's legislation lacks a child-rights perspective and reflects a vision of the child as an object of protection rather than a subject of rights, the Committee recommends that the State party develop without further delay and in cooperation with all segments of civil society and children themselves a comprehensive law on children that equally embraces child protection and the promotion of children's rights and includes all rights and principles enshrined in the Convention. The State party should rigorously review all domestic laws concerning children and the relevant administrative regulations with a view to ensuring that they are rights-based and in conformity with the Convention.**

##### **Coordination**

8. **In view of the recognition by the State party of the persistent challenges in coordinating the implementation of the Convention, the Committee reiterates its recommendation that the State party strengthen the existing coordination mechanism by developing coordination at all levels of the administration, including at the multisectoral, vertical and interregional levels (see CRC/C/SAU/CO/2, para. 12).**

##### **Allocation of resources**

9. **Reiterating its concern about the lack of a system to identify and track budget allocation and spending for children and with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee**

recommends that the State party set up a budgeting process that includes a child-rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention, including by:

- (a) Setting performance targets linking child-related programme goals to budget allocations and actual expenditures, to allow for the monitoring of outcomes and impacts on children, including those in vulnerable situations;
- (b) Developing disaggregated budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;
- (c) Using budget classification systems that allow for expenditures related to the rights of the child to be reported, tracked and analysed;
- (d) Ensuring that the fluctuation of or reduction in budget allocations for the delivery of services does not have a negative impact on the existing level of enjoyment of children's rights;
- (e) Strengthening audits to increase transparency and accountability of public expenditure across all sectors and reduce wasteful and irregular expenditure, including corruption, in order to mobilize the maximum available resources for the implementation of the rights of the child.

#### Data collection

10. Given the very limited data provided by the State party in its periodic report and in its replies to the Committee's list of issues, and given the insufficient progress made to establish a data-collection system, the Committee reiterates its recommendation that the State party strengthen its system for collecting disaggregated data that can be used to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention (see CRC/C/SAU/CO/2, para. 18).

#### Independent monitoring

11. Taking into account the commitment made by the State party in the context of the universal periodic review to establish an independent human rights institution, the Committee reiterates its recommendation that the State party continue its efforts to ensure that the National Human Rights Association is an independent monitoring mechanism that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that promotes and monitors the implementation of the Convention (see CRC/C/SAU/CO/2, para. 14). The State party is encouraged to establish a mechanism dealing specifically with children's rights that can receive, investigate and address complaints from individuals, including children.

#### Cooperation with civil society

12. The Committee reminds the State party that human rights defenders deserve protection as their work is critical for the promotion of human rights for all, including children, and thus urges the State party to take immediate action to allow human rights defenders and all non-governmental organizations to exercise their right to freedom of expression and opinion without being subjected to threats or harassment and to avoid situations such as the arrest and detention of Samar Badawi, a human rights defender who was campaigning to end male guardianship over women and girls.

**The Committee further recommends that the State party systematically involve all non-governmental organizations working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.**

## **B. Definition of the child (art. 1)**

13. The Committee is seriously concerned that the State party does not intend to change the fact that judges have discretion to determine the age of majority. The Committee is particularly concerned that judges frequently authorize the marriage of girls who have attained puberty. It also notes with deep concern that efforts to set a minimum age for marriage were successfully challenged in December 2014 by the highest-ranking religious leader, who declared being in favour of marriages involving girls as young as 9 years old.

**14. The Committee draws the attention of the State party to the fact that the exception contained in article 1 of the Convention cannot be interpreted as authorizing child marriage, a practice internationally recognized as harmful to children. The Committee urges the State party to set, as a matter of priority, the minimum age of marriage at 18 years for both girls and boys.**

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

15. The Committee expresses deep concern that, in spite of the repeated recommendations made by international human rights mechanisms, the State party still does not recognize girls as full subjects of rights and continues to severely discriminate against them in law and in practice and to impose on them a system of male guardianship that conditions their enjoyment of most of the rights enshrined in the Convention, namely the rights to freedom of movement, access to justice, education, health-care services and identity documents, among others, upon the agreement of a male guardian. The Committee is also concerned about the discriminatory application of the concept of "decency" to boys and girls.

**16. The Committee draws the attention of the State party to its obligation to ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of girls' rights to equality before the law and to equal enjoyment of all the rights enshrined in the Convention. It urges the State party to review as a matter of priority its legislation and practices in order to ensure full respect for the equality of girls and boys and, to this aim, to put an end to the system of male guardianship and to stop imposing a dress code on girls. The State party should prioritize the adoption of a comprehensive strategy to eliminate all forms of discrimination against girls and to address the persistent negative gender stereotypes that lead to discrimination and violence against them. The Committee reiterates its recommendation that such efforts be conducted in close cooperation with community and religious leaders, as well as children themselves (see CRC/C/SAU/CO/2, para. 28).**

17. The Committee remains concerned that children of Saudi mothers and non-Saudi fathers, lesbian, gay, bisexual, transgender and intersex children, children with disabilities, children born out of wedlock, children of migrant workers and children belonging to Shia and other religious minorities remain subjected to persistent discrimination in the State party. Children belonging to religious and atheistic minorities, especially children belonging to the Shia community, continue to be discriminated against in various areas,

notably with respect to access to school and justice and in the case of compensation for death or injury.

18. **The Committee urges the State party to adopt a proactive and comprehensive strategy to eliminate de jure and de facto discrimination on any grounds against all the above-mentioned groups of children in marginalized or disadvantaged situations.**

#### **Best interests of the child**

19. **Taking into account that the right of the child to have his or her best interests taken as a primary consideration is not always respected, as in matters relating to family law or the imposition of norms and religious traditions, the Committee, in the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, recommends that the State party ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In view of the fact that judges often consider underage marriage as being in the best interests of the girl child, a situation that reveals a misunderstanding of the concept of “best interests” and leads to multiple violations of girls’ rights, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration in order to avoid misconceptions of this right.**

#### **Right to life, survival and development**

20. **The Committee expresses its deepest concern that the State party tries children above 15 years of age as adults and continues to sentence to death and to execute persons for offences that they allegedly committed when they were under the age of 18, after trials falling short in terms of the guarantees of due process and a fair trial contained in article 40 of the Convention, especially as concerns the absolute prohibition of torture. The Committee is particularly concerned that, of the 47 persons executed on 2 January 2016, at least 4, namely Ali al-Ribh, Mohammad Fathi, Mustafa Akbar and Amin al-Ghamadi, were under the age of 18 when they were sentenced to death by the Specialized Criminal Court. The Committee is also deeply concerned that in January 2013 the State party executed Rizana Nafeek, a Sri Lankan domestic worker, in spite of evidence that she was under 18 years of age when she was arrested and sentenced to death.**

21. **The Committee urges the State party to immediately halt the execution of people who were below the age of 18 at the time of the alleged commission of the offence, among them, Ali Mohammed Baqr al-Nimr, Abdullah Hasan al-Zaher, Salman Bin Ameen Bin Salman Al-Qureish, Mujtaba’ Bin Nader Bin Abdullah Al-Sweikat, Abdulkareem Al-Hawaj and Dawood Hussein al-Marhoon. The Committee also urges the State party to ensure that children who have not benefited from a fair trial be immediately released and that those among them who were sentenced to death have their sentence commuted in line with international juvenile justice standards. The State party should amend its legislation without any further delay with a view to unambiguously prohibiting the imposition of the death sentence on children, in line with its obligations under article 37 of the Convention.**

#### **Respect for the views of the child**

22. **In view of the persistence of traditional attitudes towards children in society, in particular towards girls, which limit their right to express their views and to have those views taken into account, the Committee draws the State party’s attention to its**

general comment No. 12 (2009) on the right of the child to be heard, in which the Committee underlines that children's right to freely express their views constitutes one of the most essential components of children's dignity and that a family where children can freely express their views and have them given due weight from the earliest ages provides an important model and prepares the child to exercise the right to be heard in the wider society. The Committee recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student councils, paying particular attention to girls and children in vulnerable situations.

#### **D. Civil rights and freedoms (arts. 7, 8 and 13-17)**

##### **Right to a nationality**

23. While noting the information provided by the State party on the amendments to articles 7 and 12 of the Citizenship Act aimed at naturalizing the children of Saudi women married to non-Saudis and on the issuance in January 2012 of the implementing regulations, the Committee reiterates its recommendation that the State party review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction (see CRC/C/SAU/CO/2, para. 39), in particular for those children who would otherwise be stateless. The Committee also recommends that the State party consider acceding to the 1961 Convention on the Reduction of Statelessness and initiate without delay a process together with international partners, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), to assess the number of stateless children and their families and address their status through a naturalization process.

##### **Freedom of opinion and expression**

24. The Committee reminds the State party that any restriction imposed on children's right to freedom of opinion and expression should be defined in clear legal terms and should never lead to human rights violations such as arbitrary arrest, torture and killings. The Committee urges the State party to ensure respect for children's right to freedom of opinion and expression as guaranteed by the Convention and, to this aim, to repeal laws and regulations that broadly restrict that right, including the vaguely defined offences of "apostasy", "insulting God or the Prophet" or "corrupting the Earth", for which children can be condemned to severe sentences, including the death penalty. The Committee urges the State party to immediately release Ali Mohammed al-Nimr and Dawoud Hussain al-Marhoon, as well as all other children sentenced to death for the exercise of their right to freedom of opinion and expression.

##### **Freedom of thought, conscience and religion**

25. The Committee reiterates its recommendation that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society (see CRC/C/SAU/CO/2, para. 41). The Committee also recommends that the State party take all appropriate measures to ensure that children can freely practise their religion without undue interference from the State authorities, including in public places of worship, and ensure that private religious gatherings are not arbitrarily raided and

children arrested. The State party should also remove, as a matter of priority, all content that is derogatory of religious minorities from textbooks.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Torture and ill-treatment**

26. The Committee expresses serious concern that, in spite of Royal Decree No. M/2 prohibiting torture or degrading treatment in any place, some legislation of the State party still authorizes the imposition of ill-treatment and torture on children in conflict with the law or in conflict with religious prescriptions. The Committee is also concerned that interrogation techniques amounting to torture are still authorized in the State party and reportedly frequently used to coerce juveniles into signing confessions. The Committee is further concerned that children can still be sentenced to life imprisonment and to solitary confinement and may attend public executions.

27. **The Committee urges the State party, as a matter of utmost priority, to:**

(a) **Repeal all legislative provisions that authorize the stoning, amputation and flogging of children, notably those contained in the Juvenile Justice Act of 1975, and ensure that no such treatment can be applied at the discretion of judges;**

(b) **Ensure the thorough investigation of alleged cases of torture and ill-treatment of children who were sentenced to death after reportedly having confessed under duress, immediately release those children and prosecute the perpetrators of such acts;**

(c) **Unambiguously prohibit the imposition of solitary confinement and life sentences on children and the attendance of children at public executions.**

### **Corporal punishment**

28. In view of the fact that corporal punishment remains lawful in all settings in spite of the adoption of the Child Protection Act of 2014, the Committee reiterates its recommendation that the State party prohibit all forms of corporal punishment in all settings, including the family (see CRC/C/SAU/CO/2, para. 45). The Committee recommends that the State party introduce sustained public education, awareness-raising and social mobilization programmes involving children, families, communities and religious leaders on the physically and psychologically harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promoting positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.

### **Abuse and neglect**

29. Given the high proportion of child victims of domestic violence, the major obstacles faced by women and girls in terms of filing complaints, accessing effective support by the police and testifying before the courts, the Committee urges the State party to:

(a) **Accord a higher priority to eliminating domestic violence by addressing its root causes, in particular the inferior status of women and girls in the State party, and taking concrete measures to change attitudes, traditions, customs and behavioural practices that often serve as a justification for domestic violence, especially against girls;**

(b) Adopt a comprehensive strategy that aims to prevent and respond to domestic violence cases and that includes the prescription of penalties in the Child Protection Act of 2014, including for marital rape;

(c) Remove all current legal obstacles to access to justice, redress and reparation, including the need for women and girls to obtain the authorization of a male guardian to lodge complaint;

(d) Review and repeal any legal provisions that excuse perpetrators of domestic violence.

#### **Sexual exploitation and abuse**

30. The Committee urges the State party to:

(a) Repeal all legislation treating child victims as offenders rather than as victims;

(b) Ensure that all forms of sexual abuse against children are criminalized and that perpetrators are duly prosecuted and punished with sanctions commensurate with the gravity of their crimes in order to avoid cases such as the one involving Fayhan al-Ghamdi, who had his charges reduced and was released from jail after having raped, tortured and killed his 5-year-old daughter;

(c) Abolish the practice of paying so-called “blood money”, which allows perpetrators of child sexual abuse to escape sanction;

(d) Establish mechanisms, procedures and guidelines to ensure effective mandatory reporting of cases of child sexual abuse and exploitation;

(e) Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest;

(f) Ensure accessible, confidential, child-friendly and effective reporting channels for such violations.

#### **Harmful practices**

31. Taking into account the fact that male guardians often consent to the marriage of girls without getting their consent and that families sometimes arrange child marriages to settle family debts (both situations amounting to forced marriage) and in the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee urges the State party to take effective measures to eliminate child marriage, including forced marriage, and to raise awareness of the harmful effects of child marriage in collaboration with the civil society, the media, traditional leaders and families.

### **F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

#### **Family environment**

32. The Committee urges the State party to:

(a) Ensure that mothers and fathers share the legal responsibility for their children equally, in accordance with article 18 (1) of the Convention;



(b) Repeal all provisions that discriminate against women and have a negative impact on their children, such as those that authorize polygamy and unilateral divorce;

(c) Review its legislation relating to the custody of the child with a view to ensuring that all decisions taken are based on the principle of the best interests of the child, that children are not removed from the custody of their mothers after a certain age and that fathers who are unfit to keep their children are not given custody;

(d) For migrant domestic workers, abolish the exit visa requirement, which is at the discretion of the employer, as well as the sponsorship system, and ensure the right to a family life for these workers by properly regulating their activity under the labour law and ensure also their right to freely leave their employer, visit and reunite with their children.

#### **Children deprived of a family environment**

33. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party take measures to accelerate the transition from institutionalization to family-based care for children and, to this aim, strengthen efforts towards the establishment of a well-regulated system of foster care for children deprived of their families. The State party should also:

(a) Ensure that children are not moved from one institution to another while they grow up, as this undermines their need for stability and may result in them being separated from their siblings;

(b) Provide unmarried mothers with the support necessary to enable them to take care of their children and conduct awareness-raising campaigns to eliminate the stigma attached to children born out of wedlock;

(c) Ensure that all girls reaching the age of 12 years do not remain in social education homes, where they can only acquire life skills while boys have access to secondary education opportunities and can participate in social, cultural and sporting activities;

(d) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care and also ensure periodic review of the placement of children in foster care and institutions and monitor the quality of care in such institutions, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.

### **G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

#### **Children with disabilities**

34. In the light of article 23 of the Convention and of general comment No. 9 (2006) on the rights of children with disabilities and given the fact that the vast majority of children with disabilities continue to receive education in segregated institutions and to be deprived of education after middle school, the Committee recommends that the State party adopt and promote a social and human rights-based approach to disability. Such an approach acknowledges that the disabling factors reside in the environmental and attitudinal barriers created by society and that all children with disabilities are

subjects of rights and can become active participants in and contributors to society. The State party should set up a comprehensive policy to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions, while paying particular attention to children with mental and multiple disabilities.

#### Adolescent health

35. Taking into consideration that the State party has still not recognized rape and incest as valid grounds for abortion, the Committee recommends that the State party decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescents. In the light of general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents. It also recommends that the State party ensure that sexual and reproductive health education is part of the mandatory school curriculum and targets adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections and fostering responsible sexual behaviour, particularly among boys.

### H. Education, leisure and cultural activities (arts. 28-31)

#### Education and the aims of education

36. The Committee recommends that the State party ensure by law that primary education is compulsory for both girls and boys, send clear instructions to all education facilities in that respect and sanction parents who refuse to enrol their children in schools. The Committee also recommends that the State party ensure the same quality of education and educational options for girls and boys, and that physical education is made mandatory for girls. The State party should also, taking into account the Committee's general comment No. 1 (2001) on the aims of education, strengthen its efforts to generalize non-stereotyped educational curricula, addressing the structural causes of gender-based discrimination.

### I. Special protection measures (arts. 22, 30, 32-33, 35, 36, 37 (b)-(d) and 38-40)

#### Asylum-seeking and refugee children

37. While commending the State party for extending visas to Syrian refugees and issuing a Royal Decree regularizing the legal status of many Yemenis, including Yemeni children residing irregularly in the State party, the Committee recommends that the State party reinforce its cooperation with UNHCR with a view to undertaking a census of asylum-seeking and refugee children living on the territory of the State party and to responding to their specific protection needs. The State party should adopt the legal framework and all the measures necessary to effectively guarantee asylum-seeking and refugee children their rights under the Convention. In that respect, the Committee draws the attention of the State party to the guidelines issued by UNHCR in December 2009 on asylum claims made by children. The Committee also recommends that the State party consider ratifying the 1951 Convention on the Status of Refugees and its 1967 Protocol.

### **Children in armed conflict**

38. The Committee is deeply concerned at credible, corroborated and consistent information that the State party, through its military operation in Yemen, has been committing grave violations of children's rights. In particular, the Committee expresses its deep concern at information that:

(a) Hundreds of children have been killed and maimed as a result of indiscriminate air strikes and shelling by the State party-led coalition on civilian areas and camps for internally displaced persons, of unexploded cluster bomb submunitions and other unexploded ordnance, and of the dozens of attacks carried out on schools and hospitals;

(b) Prohibited tactics such as inducing starvation as a method of warfare have been used by the State party-led coalition against civilians, including children, as reported by the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) (see S/2016/73);

(c) More than 3 million children in Yemen face life-threatening levels of malnutrition and thousands are currently at risk of dying from diseases owing to the dire humanitarian crisis, the destruction of civilian infrastructure critical to the maintenance of basic services and the imposition from both sides of obstacles to the delivery of humanitarian assistance;

(d) In 2015, more than half of the attacks perpetrated on schools were attributed to the State party-led coalition (see A/70/836-S/2016/360, para. 171); these attacks continued in 2016, leaving millions of children in need of emergency access to education.

39. **The Committee urges the State party to abide by its obligation under article 38 of the Convention to respect and to ensure respect for the rules of international humanitarian law that are relevant to children in armed conflict and joins the United Nations High Commissioner for Human Rights in calling upon the State party to respect and ensure respect for the prohibition on attacks against civilians and civilian objects, as well as for the core principles of precaution, distinction and proportionality, and to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need (see A/HRC/33/38, paras. 71 (b) and (d)). The Committee also urges the State party to respond positively to the High Commissioner's call for the establishment of an international, independent investigative body to carry out comprehensive investigations of allegations of violations of international humanitarian and international human rights law in Yemen (see A/HRC/33/38, para. 74 (a)).**

### **Economic exploitation, including child labour**

40. **Noting the concerns expressed by the Committee on the Elimination of Discrimination against Women in 2008 about the economic and sexual exploitation and ill-treatment of migrant girls employed as domestic workers (see CEDAW/C/SAU/CO/2, para. 23), the Committee urges the State party to ensure the effective implementation of the law prohibiting the recruitment of children as domestic workers. The Committee also urges the State party to take measures to ensure that those who exploit children as domestic workers are held accountable.**

### **Children in street situations**

41. **Given that thousands of children, many of them victims of trafficking, continue to live and work on the streets in the State party and to be subjected to forced labour by criminal gangs, the Committee urges the State party to immediately stop the arbitrary arrest and deportation of such children and to release all children currently detained. The Committee also recommends that the State party assess the number of**

children in street situations and undertake studies to determine the root causes of the phenomenon, develop a comprehensive strategy in order to guarantee that children in street situations have access to education and health services, while taking all measures necessary to protect them.

#### Sale, trafficking and abduction

42. The Committee urges the State party to take measures to ensure effective enforcement of the prohibition on the use of trafficked children as camel jockeys. The State party should establish mechanisms and procedures for the identification of child victims of trafficking and effectively prosecute, convict and punish child traffickers with penalties commensurate with the gravity of their crimes. Child victims of trafficking should be provided with comprehensive protective and rehabilitation services, including adequate shelter.

#### Administration of juvenile justice

43. While noting as positive the adoption of the Judiciary Act by Royal Decree No. M/78 of 1 October 2007, which establishes chambers for juvenile cases in the criminal courts, the Committee is concerned about the absence of a comprehensive legal framework in relation to children in conflict with the law and the broad discretion given to law enforcement officials to determine, in the absence of a penal code, the offences for which children can be arrested and detained, as in the case of girls suspected of *khalwa* or mingling (*ikhtilat*) and to decide whether children are mature enough to be tried as adults. The Committee is particularly concerned that:

(a) In spite of the fact that children between 7 and 15 years of age can only be subjected to disciplinary measures, judges might decide that a child below 15 is mature enough to be criminally charged and sentenced as an adult;

(b) Children arrested can be detained as adults for up to 24 hours before being referred to the prosecution and for up to six months by the prosecutor's office without being permitted to challenge their detention, and therefore may spend considerable amounts of time in jail before being brought before a judge;

(c) Children are seldom provided with legal assistance to defend themselves, even when facing serious charges, and cannot be represented by their mothers because of lack of guardianship;

(d) Children involved in demonstrations have been tried and sentenced, including to death, by the Specialized Criminal Court, which was created in 2008, operates under the authority of the Ministry of the Interior and had its jurisdiction extended in 2014 by the Penal Law for Crimes of Terrorism and its Financing to include anyone who "disturbs public order";

(e) The Ministry of Social Affairs can detain both boys and girls indefinitely, even when they have been neither charged with nor convicted of an offence. While such detention is subject to judicial review for boys, it is not for girls;

(f) At the end of their term, detained children can only be released to the custody of their guardian, leaving them vulnerable to indefinite detention if their guardian or the institution believe that the child is in need of additional guidance and care or to having their detention extended until the age of 18 years for boys and beyond for girls;

(g) Girls are highly discriminated in the justice system, as there are no female judges or lawyers in the State party, and are often detained together with adults and placed in detention centres far from their families;

(h) Children in pretrial detention are held with convicted children and with adults in certain detention facilities and children sentenced to death are often denied family visits.

44. **The Committee recommends that the State party strengthen its efforts to build a system of restorative and rehabilitative juvenile justice that is fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:**

(a) **Expediently raise the age of criminal responsibility to an internationally acceptable level, as previously recommended (see CRC/C/SAU/CO/2, para. 75), taking into account that a minimum age of criminal responsibility below the age of 12 years cannot be considered to be internationally acceptable;**

(b) **Set and implement time limits for the period between the commission of the offence and the completion of the police investigation, the decision of the prosecutor (or other competent body) to bring charges against the child and the final adjudication and decision by the court or other competent judicial body;**

(c) **Ensure that all children can challenge the legality of their deprivation of liberty before a competent authority within 24 hours of arrest and that a decision be rendered as soon as possible and no later than two weeks after the challenge has been made;**

(d) **Ensure that children arrested and deprived of their liberty are provided with free legal aid from the moment they are arrested and throughout the proceedings and that interviewing children without the presence of a legal counsel be prohibited by law. Both parents should be allowed to accompany their children during proceedings;**

(e) **Ensure by law that no person who was a child at the time of committing an alleged offence can be tried before the Specialized Criminal Court;**

(f) **Put an end to the arbitrary placement of children in centres under the authority of the Ministry of Social Affairs and ensure that children who have been placed in those centres are released without delay and provided with protection and assistance measures;**

(g) **Abolish the requirement for a male guardian to provide consent for children to be released from prison at the end of their term and ensure that those who remain in prison because of lack of consent be freed and provided with assistance and support for their social reintegration;**

(h) **Undertake a comprehensive assessment of the violations of girls' rights in the justice system and adopt measures to address them;**

(i) **Ensure that children deprived of their liberty are separated from adults in all places of detention and that the necessary measures be taken for children to maintain contact with their families.**

#### **Child victims and witnesses of crimes**

45. **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children who are victims or witnesses of**

crimes, e.g. children who are victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and children who are witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (see Economic and Social Council resolution 2005/20, annex).

**J. Ratification of the Optional Protocol to the Convention on a communications procedure**

46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.

**K. Ratification of international human rights instruments**

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party.

**IV. Implementation and reporting**

**A. Follow-up and dissemination**

48. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, *inter alia*, by transmitting them to the Head of State, Parliament, the relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

49. The Committee also recommends that the combined third and fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country, including through the Internet, to the public at large, civil society organizations, representatives of the media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of the need to have them implemented and their implementation monitored.

**B. Next report**

50. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 24 August 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

51. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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